

FEDERALLY ENFORCEABLE STATE OPERATING PERMIT

RENEWAL

PERMITTEE:

GRIFFITH LABORATORIES U.S.A., INC.
1437 West 37th Street
Chicago, Illinois 60609

APPLICATION NO.: 75060048

THE REPORT OF PROCEEDINGS taken
in the above-entitled matter, before Hearing
Officer Godiksen, held at McKinley Park Branch
of the Chicago Public Library, 1915 West 35th
Street, Chicago, Illinois, on the 18th day of
November, A.D., 2008, at the hour of 6:09 p.m.

1 IEPA STAFF:

2
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5 Division of Legal Counsel

6 Illinois Environmental Protection Agency

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15 Illinois Environmental Protection Agency

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17 Environmental Protection Engineer

18 Permit Section, Bureau of Air

19 Illinois Environmental Protection Agency

20
21
22 REPORTED BY: GAY DALL, CSR NO. 084001169

PRESENT:

EMILIO R. SALIS

Unit Supervisor

Field Operations Section

Bureau of Air

Illinois Environmental Protection Agency.

1 HEARING OFFICER GODIKSEN: Good
2 evening. My name is Annet Godiksen. I'm with
3 the Illinois Environmental Protection Agency,
4 and I would like to thank you for coming out
5 this evening attending the hearing.

6 At the request of our court
7 reporter to facilitate the reporting tonight,
8 we have to request that we keep background
9 noise to a minimum. And that cell phones be
10 turned to vibrate.

11 The time is 6:09 this evening.
12 And the Illinois EPA is here because we believe
13 that this hearing is a crucial part of the
14 permit review process. As the hearing officer,
15 my sole purpose tonight is to make sure that
16 the proceedings run properly and in accordance
17 with our rules.

18 Therefore, I will not be
19 answering any questions regarding the permit
20 process or the permit itself. This is a public
21 hearing before the Illinois EPA, and the matter
22 of the renewal of the federally enforceable

1 state operating permit, which is commonly
2 referred to as FESOP. It's submitted to the
3 Illinois EPA by Griffith Laboratories U.S.A.,
4 Incorporated, here in Chicago.

5 The proposed permit relates to
6 regulating the air emissions from Griffith
7 Laboratories food ingredients manufacturing
8 plant located at 1437 West 37th Street,
9 Chicago, Illinois.

10 The 1990 amendments to the Clean
11 Water Act require potentially major sources of
12 air emissions to obtain federally enforceable
13 operating permits. A FESOP permit allows a
14 source that is potentially major to take
15 operational limits in the permit so that it is
16 not -- pardon me -- so that it is a nonmajor
17 source.

18 The permit will contain
19 federally enforceable limitations that restrict
20 the facilities emissions nonmajor levels. The
21 permit will be enforceable by the USEPA as well
22 as the Illinois EPA.

1 The Illinois EPA has made a
2 preliminary determination to issue a permit for
3 the project, and has prepared a draft permit
4 for review. The Illinois EPA is holding a
5 public comment period and a hearing to accept
6 comments from the public on the proposed
7 issuance of a permit for this project prior to
8 actually making the final decision on the
9 application.

10 It is now 6:11, Tuesday,
11 November 18th. And, again, this hearing is
12 being held for the purpose of explaining the
13 draft permit to respond to questions and to
14 receive public comments on the drafted permit.

15 I'm going to quickly walk you
16 through a couple of introductory matters. The
17 public hearing is being held under the
18 provisions of the Illinois EPA procedures for
19 permit and closure plan hearings, which can be
20 found in Title 35 of the Illinois
21 Administrative Code, part 166.

22 Copies of these procedures can

1 be obtained from myself upon request, or they
2 can be accessed on the web site of the Illinois
3 Pollution Control Board at
4 www.IPCB.state.IL.US.

5 A public hearing means that this
6 is strictly an informal hearing. It is an
7 opportunity for the Illinois EPA to provide you
8 with information concerning the permit. It is
9 also an opportunity for you to provide
10 information to the Illinois EPA concerning the
11 permit. This is not a contested hearing.

12 I would like to first explain
13 how tonight's hearing is going to proceed. We
14 will have the Illinois EPA staff members
15 present and introduce themselves and identify
16 their responsibilities with the agency.

17 Following our overview, we will
18 have the representative from Griffith
19 Laboratories introduce himself and give a brief
20 presentation, and then we will ask the public
21 to ask questions and provide comments.

22 You are not required to

1 verbalize your comments, as written comments
2 are given the same consideration and may be
3 submitted to the agency at any time within the
4 public comment period, which ends at midnight
5 on December 18th of this year.

6 Any person who wants to make
7 oral comments, may do so, as long as the
8 statements are relevant to the issues that are
9 being addressed at the hearing, and such person
10 has indicated on the registration card that he
11 or she would like to comment.

12 When you came into the room,
13 there were people, Brad, at the front desk, and
14 there were cards that you should have filled
15 out if you were interested in either making
16 oral comments or receiving a summary of the
17 hearing. If you do wish to make comments, and
18 you haven't filled out a card as of yesterday
19 yet, please go back and do so. We will collect
20 these cards throughout the evening.

21 If you have lengthy comments or
22 questions, it may be helpful to submit that to

1 me in writing before the question and comment
2 period end, and I will ensure that they are
3 included in the hearing record as exhibits.

4 Please keep your comments and
5 questions relevant to the issue at hand. If
6 your comments fall outside of the scope of the
7 hearing, I may ask you to proceed to another
8 issue.

9 All speakers have the option of
10 directing questions to either the Illinois EPA
11 panel, or they can just make a general comment,
12 or they can do both if they so choose.

13 The applicant, Griffith
14 Laboratories USA, Inc., is also free to answer
15 questions if it is willing to do so, but I'm
16 not in the position to require them to answer
17 questions.

18 Our panel members will make
19 every attempt to answer the questions
20 presented. But I will not allow the speaker to
21 argue or cross-examine or engage in prolonged
22 dialogue with our panel.

1 In addition, I would like to
2 stress that we want to avoid unnecessary
3 repetition. So if anyone before you has
4 already presented testimony that is contained
5 in either your oral or written comments, please
6 skip over those issues when you testify.

7 Please remember that all written
8 comments whether or not you state them out loud
9 tonight will become part of the official record
10 and will be considered.

11 After everyone has had an
12 opportunity to speak and provide that time
13 permits, we will allow those who either ran out
14 of time during their initial comment, or have
15 additional comments to speak once again.

16 Please note you can ask to
17 receive a summary of the public hearing on the
18 registration card. I would also like to direct
19 you to the Illinois EPA's web site where you
20 can find details regarding this draft permit,
21 including our responsive summary. The
22 Illinois' EPA website is www.EPA.state.IL.US.

1 The Illinois EPA's response to
2 the summary will attempt to answer all of the
3 relevant questions that were raised at this
4 hearing or submitted to me prior to the close
5 of the comment period.

6 Again, the written record in
7 this matter will close December 18th, 2008.
8 Therefore, I will accept all written comments
9 as long as they are postmarked by midnight of
10 December 18.

11 During the comment period, all
12 relevant comments, documents or data will be
13 placed into the hearing record as exhibits.

14 Again, please send all documents
15 or data to my attention. That's Annet
16 Godiksen. Annet is, A-N-N-E-T, Godiksen is,
17 G-O-D-I-K-S-E-N, Hearing Officer, Illinois EPA,
18 1021 North Grand Avenue East, Post Office Box
19 19276, Springfield, Illinois. The zip code is
20 62794. That address is also listed on the
21 public notice for the hearing tonight.

22 For anyone wishing to make a

1 comment or to ask questions, I would like to
2 remind you that we have a court reporter here
3 who will be taking a record of these
4 proceedings for the purpose of putting together
5 our administrative record. Therefore, for her
6 benefit, please keep the general background
7 noise to a minimum so she can hear everything
8 that is said.

9 Also please keep in mind that
10 any comments from someone other than the person
11 who has the floor, will not be reported by the
12 court reporter. In other words, she cannot
13 take more than one person's testimony or
14 statements at a time. Thus, only the person
15 that has the floor will be the person reported.

16 If you speak over someone else,
17 we will not be able to include that in the
18 comments. This rule applies to everyone, not
19 only to the members of the audience who are
20 speaking, but also when someone from the
21 Illinois EPA or from Griffith Laboratories is
22 speaking.

1 When it is your turn to speak,
2 please speak clearly and slowly, and it is
3 requested that all speakers addressing us stand
4 so that the court reporter can better
5 understand what you're saying. We have a
6 microphone set up, and I would like to request
7 that everybody speak from the podium.

8 Also when you begin to speak,
9 please state your name. And if applicable, any
10 governmental body, organization or association
11 that you represent.

12 And for the benefit of our court
13 reporter, we ask that you spell your last name.
14 People who have requested to speak, will be
15 called upon in the order that I will lay out
16 based upon the cards that I have before me.

17 After I have gone through the
18 cards and assuming there is still time, we will
19 try to accommodate anyone else wishing to make
20 a comment. I would now like to the ask the
21 Illinois EPA staff to introduce themselves, and
22 if they would, to make a short opening

1 statement. You can do so at this time.

2 MR. BAKOWSKI: I'm Ed Bakowski.

3 Welcome and thank you for coming. It's nice to
4 see interest in the work that we do.

5 I'm the permit section manager
6 in air pollution. I'm a licensed professional
7 engineer for over 20 years, and with the agency
8 I have run the Mine Control Program for coal
9 mines. I used to run the Waste Permit Program
10 for land pollution.

11 In 1999 I moved over to air
12 pollution and supervised all the inspectors in
13 the state for air pollution. And for the last
14 two years now, I have been manager of the air
15 pollution permit program. And that's what
16 we're talking about here tonight is the air
17 permit.

18 This is a little unusual because
19 what we're here to talk about is two specific
20 issues, and the first of which is the hearing
21 on the renewal of this permit. And we're
22 holding this permit because we public noticed

1 the permit, and we got a significant amount of
2 public interest about the facility.

3 A lot of the comments dealt with
4 things that weren't necessarily related to
5 specific issues in the permit, but are related
6 to the facility. Other is related to the
7 permit. We thought we would have a hearing.

8 We will be taking down all
9 stated comments and written comments as she
10 said, and will be providing a responsiveness
11 summary at the end of this to all your
12 questions. If they're similar questions, we
13 may group them.

14 The kind of unusual situation
15 here is the history of this facility deals with
16 odors. And odors at this plant are caused by
17 very low levels of organic compounds, and these
18 compounds can have very low odor thresholds.

19 Normal permit requirements and
20 limits as established the Clean Air Act in the
21 state regulations are well above these levels.
22 So you can identify the smells so to speak, and

1 the facility can actually still be in
2 compliance with their permitted limits.

3 The odors kind of fall under a
4 category of what we call a nuisance provision
5 in the act, which can come into play.

6 In Chicago we actually have an
7 agreement with the City of Chicago. I believe,
8 this gentleman here is -- there is DCEO on his
9 shirt here. So I'm assuming -- I haven't met
10 him yet, but he's with the Chicago Department
11 of Environment. We also have our field
12 inspection representative from our Des Plaines
13 office that handles the Chicagoland area.

14 So we will be able to deal with
15 your questions on odors and compliance issues,
16 but we may discuss the fact that it's not
17 really related to the permit so much as it is
18 to the odors. And we'll talk about how to deal
19 with odors as they go.

20 If it helps, I can kind of -- I
21 was going to explain that the permit is almost
22 like getting a driver's license. And then the

1 enforcement and odor complaints, the nuisance
2 things are kind of like if you get a ticket or
3 not.

4 So, you know, if you get enough
5 tickets, you eventually don't get your permit
6 any more, or you don't get your driver's
7 license back, but to raise the level of not
8 getting the renewal of their permit is a
9 significant thing. And we normally have to
10 have some pretty serious violations for that to
11 happen. That's like revoking your license.

12 So that's kind of how some of
13 the discussions will go tonight here.

14 AUDIENCE MEMBER: Could you just
15 spell your last name.

16 MR. BAKOWSKI: B, as in boy,
17 A-K-O-W-S-K-I.

18 AUDIENCE MEMBER: Okay. Thank you.

19 MR. BAKOWSKI: Okay. So as comments
20 come up, we may discuss whether or not they
21 fall in those categories.

22 Now, Bob Bernoteit is here.

1 He's going to discuss the type of permit
2 they're seeking to renew here.

3 MR. BERNOTEIT: Good evening. My
4 name is Bob Bernoteit. And that is spelled,
5 B-E-R-N-O-T-E-I-T.

6 I am the manager of the FESOP
7 unit within the Illinois EPA, division of air
8 Pollution Control permit section. I will now
9 give a brief summary of the type of permit we
10 are here to discuss with you tonight.

11 We, of course, are also here to
12 listen to your concerns and to answer any
13 questions that you may have. But first, some
14 background on the permit.

15 Permits are required in Illinois
16 prior to construction and operation of the
17 emission sources and air pollution control
18 equipment. The permit program provides a
19 consistent and systematic way of ensuring that
20 air emission sources are built and operated in
21 compliance with state and federal air pollution
22 control regulations.

1 When a facility constructs a new
2 emission unit or makes modifications to
3 existing emission units, it must apply for a
4 new construction permit and also update its
5 operating permit. In a permit application, the
6 Illinois EPA requires that the description of
7 the emission source and emission units, a list
8 of types and amounts of the contaminants, which
9 will be emitted and a description of the
10 emission control equipment to be utilized.

11 This information is used to
12 determine if the emissions comply with the
13 standards adopted by the Illinois Pollution
14 Control Board and the United States
15 Environmental Protection Agency or USEPA.

16 In 1990, the federal Clean Water
17 Act amended in part to create a federal
18 operating permit program known nationally as
19 Title V. This program, which is known in
20 Illinois as the Clean Water Act Permit Program
21 or CAAPP, focuses on the largest industrial
22 source of air pollution and for the sources of

1 greatest concern.

2 The CAAPP requires that a single
3 permit be issued to each affected source that
4 covers all emission units and activities at the
5 source. Before, a source could have as many
6 as -- many permits up to 100 in some cases,
7 that often caused confusion and permit
8 conflicts. The single, all-inclusive permit
9 strategy required by Title V, simplified the
10 process down to a single enforceable document.

11 These CAAPP permits are very
12 detailed in scope. And range in size from 50
13 to a thousand pages. The typical size of an
14 operating permit before the CAAPP was only one
15 to five pages. There are currently
16 approximately 700 CAAPP sources in Illinois.

17 A fairly enforceable state
18 operating permit or FESOP permits a mechanism
19 for a potentially major source under Title V or
20 CAAPP to voluntarily place restriction on
21 operations and emissions such that they are
22 allowed to fallout of the requirements to

1 obtain a CAAPP permit. The emissions from a
2 source with a FESOP are restricted to below the
3 levels at which the Illinois EPA and USEPA
4 considers the source to be a major source. A
5 major source is generally defined as a source
6 with potential emissions of 100 tons per year
7 or more of any one regulated air pollutant.
8 Ten tons per year or more of any one hazardous
9 air pollutant, or 25 tons per year or more of
10 multiple hazardous air pollutants.

11 A source may apply for a FESOP
12 if they can limit its emissions to less than
13 these major source levels. The condition of
14 the permit may be enforceable by both the State
15 of Illinois and the USEPA. In a FESOP like the
16 Title V or CAAPP permit, it is also a single,
17 all-inclusive permit document. FESOPs may be
18 granted a period up to five years after which
19 they must be renewed. There are currently more
20 than 750 FESOP sources in Illinois.

21 The Illinois EPA may issue a
22 FESOP to a source that is voluntarily

1 restricting it's production and emissions as
2 long as the source is in compliance with all
3 state and federal air pollution rules and
4 regulations.

5 Conditions established in the
6 permit are requirements that the source must
7 follow. Failure to follow or comply, subjects
8 the source to the risk of enforcement fines and
9 other penalties. Emissions may restrict such
10 things as the number of hours of operation, the
11 amount and type of materials used, or the
12 operating and control practices used by a
13 source.

14 Conditions within the permit
15 also include requirements for testing,
16 monitoring, record keeping and reporting to
17 demonstrate that restrictions are, in fact,
18 being met.

19 A company may want to accept
20 restrictions in a FESOP because they may only
21 use a fraction of the source's potential
22 production capacity.

1 Therefore, their actual
2 emissions are much less than the potential to
3 emit for that source. For example, a plant may
4 have a boiler that is large enough to provide
5 heat for a production process and to heat the
6 building on the coldest day of the year.

7 In the absence of restrictions
8 in a FESOP, the potential to emit would be
9 calculated assuming that the maximum emissions
10 occur year around based on the maximum capacity
11 of a boiler. A restriction could be
12 established in the FESOP recognizing that the
13 boiler does not operate at the maximum capacity
14 year round. With a FESOP, the company submits
15 a simpler application to the Illinois EPA, and
16 receives a permit that is less complicated than
17 a CAAPP permit, and which is more appropriate
18 to the actual operation of the source.

19 FESOPs provide for record
20 keeping and reporting requirements that may
21 demonstrate that the company is complying with
22 agreed to limitations. Sources must submit

1 summaries of their emissions to the Illinois
2 EPA each year and promptly report any
3 exceedence. The Illinois EPA also periodically
4 visits sources to confirm compliance through
5 observation of operation and by reviewing the
6 adequacy of the source's records.

7 The problems are identified by
8 either review of the source report or direct
9 observation, corrective measures are required
10 and legal action may be pursued.

11 Griffith Labs has proposed
12 production and fuel usage limits in order to
13 limit their emissions of particulate matter
14 less than 10 microns in diameter to less than
15 100 tons per year, and their hydrogen chloride
16 emissions to less than 10 tons per year. As a
17 result of these limitations, Griffith Labs will
18 continue to not be required to obtain a CAAPP
19 or Title V permit. Currently, the draft permit
20 for Griffith Labs is 10 pages in length.

21 That concludes my opening
22 remarks, and I'd like to turn it over to the

1 next speaker.

2 MR. BRODSKY: Good evening, ladies
3 and gentlemen. I'd like to thank everyone for
4 coming here and for your interest in the
5 environmental issues. My name is Valeriy
6 Brodsky. Shall I spell it? B-R-O-D, as in
7 dog, S-K-Y.

8 I've been working as a permit
9 engineer in the Bureau of Air of the Illinois
10 Environmental Protection Agency for almost 15
11 years. I started working with Griffith
12 Laboratories more than ten years ago. It is
13 our second meeting. Six years ago the Illinois
14 EPA had already conducted a public hearing to
15 address the neighbor's concerns created by the
16 facility's operations. Let me make a brief
17 overview of the company's operations.

18 The operations of Griffith
19 Laboratories have been permitted at that
20 location since 1975. The company manufactures
21 hydrolyzed vegetable protein products and some
22 flavor ingredients for the food industry. The

1 protein-containing raw materials such as soy
2 meal, corn gluten and other protein sources,
3 are cooked in concentrated hydrochloric acid
4 until amino acids are formed as a result of
5 chemical breakdown.

6 The amino acid slurry is then
7 neutralized using sodium hydroxide creating
8 sodium salts of amino acids and sodium
9 chloride, another name for table salt. The
10 next steps are liquid filtration to separate
11 insoluble materials from the soluble protein
12 and water evaporation to retrieve the final
13 product, either powder paste-like hydrolyzed
14 vegetable protein.

15 Since 1996 Griffith Laboratories
16 has been operating under the federally
17 enforceable state operating permit,
18 abbreviation as a FESOP. The FESOP was needed
19 because potential emissions of two pollutants,
20 hydrogen chloride and particulate matter with a
21 diameter less than ten microns exceeded major
22 source thresholds of 10 tons per year and 100

1 tons per year, respectively. The FESOP
2 establishes a set of federally enforceable
3 production and operational limitations
4 restricting the facility's emissions below
5 major source threshold levels. All limitations
6 are accompanied with corresponding monitoring,
7 recordkeeping and reporting requirements. The
8 FESOP limits are set at 8.4 tons per year of
9 hydrogen chloride and 26.7 tons per year of
10 particulate matter. The processing of the raw
11 materials also releases emission of volatile
12 organic materials, which are limited by FESOP
13 to 11.2 tons per year. The actual emissions of
14 these pollutants are significantly lower as was
15 demonstrated during the stack tests performed
16 at plant.

17 There were several insignificant
18 changes in the facility's operations since the
19 previous FESOP renewal. Replacement of the two
20 batch cookers with identical new ones and
21 addition of the water evaporator to produce
22 past-like products. More significant changes

1 occurred in the emission control system. The
2 company added a new chemical scrubber to
3 control emissions of hydrogen chloride and
4 volatile organic materials from both batch
5 cookers and also added a regenerative thermal
6 oxidizer to existing control system controlling
7 emissions from all other process units. Both
8 control devices were tested and demonstrated
9 significant decrease in emissions of regulated
10 air pollutants.

11 After reviewing the Griffith
12 Laboratories' request for FESOP renewal, the
13 Illinois EPA found that the company's operation
14 are in compliance with all applicable state and
15 federal environmental regulations. Thank you
16 for your attention.

17 MR. BAKOWSKI: I think the company
18 has sent a representative.

19 MR. AKEL: Good evening. My name is
20 Kal Akel, A-K-E-L. I am the director of
21 operations for Innova, a division of Griffith
22 Laboratories. Our company operates a food

1 processing plant at 37th Street where I have
2 worked for 14 years.

3 The plant has been providing
4 jobs to Chicago residents since 1929 and
5 currently employs 51 people.

6 We are primarily in the business
7 of making flavors by cooking and processing
8 foods. These food flavors are used in
9 thousands of products enjoyed by the public
10 every day. When you cook foods, aromas result,
11 and on occasion residents nearby to our
12 location have reported smelling these odors.

13 Long time residents in McKinley
14 Park know how much we've done to reduce odors
15 over the years, and many have complimented us
16 on our improvements. We have spent a lot of
17 time listening to the members of our community,
18 which has been very helpful in providing
19 information that made it easier to vastly
20 reduce odors.

21 Since our last FESOP hearing in
22 2002, we have spent over five million dollars

1 to install and operate equipment that has
2 significantly reduced odors generated at our
3 facility. Accordingly, we have seen a
4 significant drop in the numbers and frequency
5 of calls about odors.

6 Finally, for those that have any
7 concern in regards -- in this regard, we're
8 grateful to note that the regulatory agencies,
9 along with most of the public, realize that
10 there is no known threats to public health or
11 safety from our facility. Innova takes
12 compliance with government regulations very
13 seriously, and we have all the permits and
14 programs in place that are required to operate
15 legally and safely.

16 If someone thinks an odor they
17 detect comes from our plant, they should call
18 our community inquiry line. Our number is
19 (773)523-5124. The information we receive
20 through this inquiry line helps us identify
21 where these odors might be and we follow-up
22 promptly.

1 Thank you for your participation
2 in this important process.

3 MS. GODIKSEN: Our first speaker
4 tonight is Lucy Stanfield. And if you could
5 step to the platform.

6 MS. STANFIELD: My name is Lucy
7 Stanfield. My last name is, S-T-A-N-F-I-E-L-D.

8 I had looked online at EPA's
9 online databases of enforcement and emission
10 data for this company, and reviewed the draft
11 permit.

12 And I had a couple of questions
13 just in terms of is the company in current
14 compliance? And what are the current emissions
15 from this -- from Griffith Labs? I understand
16 that their emissions control equipment that was
17 installed several years ago. It has controlled
18 the hydrochloric -- is it hydrochloric acid,
19 and the -- it is escaping me.

20 AUDIENCE MEMBER: Sulfur acid?

21 MS. STANFIELD: No, just the other --
22 in any case, I was just wondering what are the

1 current emissions coming? It seemed like from
2 online, the most recent information from USEPA
3 said, ammonia was the main emissions -- air
4 emissions coming out of the plant, but that was
5 at least two years old. So that was my main
6 question.

7 MR. BAKOWSKI: Okay. As far as --
8 your initial question was are they in
9 compliance?

10 MS. STANFIELD: Right.

11 MR. BAKOWSKI: Okay. As far as all
12 of our information available to us, they're
13 currently in compliance with their existing
14 FESOP permits. Their actual emission levels --
15 Valeriy may be able to assist there or Emilio.

16 MR. BRODSKY: You can see that permit
17 is for several years. And you may notice it is
18 not significant decrease in permitted numbers.
19 The company did install additional control
20 improvement. So we keep this numbers, but also
21 we have test results which shows significantly
22 lower emissions.

1 MS. STANFIELD: What was the last
2 date of the last stack test? Was that --

3 MR. BRODSKY: 2004, I believe. It
4 was on oxidizer --

5 MS. STANFIELD: That was after the
6 equipment was installed, the --

7 MR. BRODSKY: Yes, the equipment was
8 installed several months and they tested. And
9 the test results to us demonstrated proper
10 operation, but these limits, which are current
11 permit are significantly --

12 MS. STANFIELD: I had just one other
13 question.

14 What is the last time the
15 company was monitored by Illinois EPA, or, I
16 guess, submitted its own monitoring data?

17 MR. SALIS: Well, let me introduce
18 myself. My name is Emilio Salis. I've been a
19 supervisor with the Illinois EPA field
20 operation section in Chicago. And I have the
21 Chicago section.

22 We did an inspection, myself and

1 an engineer, Nick Relwani, R-E-L-W-A-N-I. We
2 did a joint inspection -- it was within the
3 last month. The exact date, I don't remember
4 right now. Griffith Laboratories is a company
5 that we will inspect regularly. We have
6 scheduled inspections, and we have the number
7 of inspections is based on its size.

8 We have some we inspect annually
9 or every other year. Griffith will fall
10 usually once every five years. And the only
11 reason we came, to be honest with you, this
12 evening was because of this hearing. We wanted
13 to make sure that we understood so many
14 changes, et cetera.

15 But to answer your question,
16 we've done an inspection recently.

17 MS. STANFIELD: So this year in 2008
18 because online it said, you know, the
19 inspection hadn't occurred for many years. And
20 that was the data I found online.

21 MR. SALIS: Well, the last inspection
22 was done four or five years ago.

1 MR. BAKOWSKI: Yeah, he said that the
2 schedule would be once every five years.

3 MS. STANFIELD: Okay. I just wanted
4 to confirm.

5 MR. BAKOWSKI: In response to
6 complaints, they may come out more frequently
7 than that. And back in the early 2000s, we
8 were here quite often. And, I think, USEPA was
9 here, and I think the city was here as well.

10 MS. STANFIELD: Okay. I guess, the
11 word of recently caught me off guard. Because
12 I thought that meant this year. And you're
13 talking about within five years?

14 MR. BAKOWSKI: Yeah, and the -- if
15 you were on the USEPA database, some of that
16 takes a while to catch up. Like, for example,
17 their annual emission -- every year they submit
18 an annual emission report. And that's due to
19 us in -- when is it? I think it's the end of
20 April or beginning of May.

21 MS. STANFIELD: Right. The TRI --

22 MR. BAKOWSKI: No, this is the annual

1 emission report. They are required to submit
2 emission data that documents what they emitted
3 all year. And it takes us -- like, we get
4 8,000 sources. So we get 8,000. So we got to
5 process them, and then we evaluate those. And
6 those ultimately get into a database.

7 But if they have a specific
8 violation, and they're exceeding it, they're
9 supposed to tell us quicker than that. I mean,
10 so they self-monitor all the time, and report
11 it to us actual annually.

12 MS. STANFIELD: I just wanted to
13 confirm, you know, the date of the last
14 inspection or monitoring.

15 MR. BAKOWSKI: Yeah. And that's just
16 us. The city can have its own schedule and go
17 out there specifically in response to
18 complaints because that's one of the
19 requirements with our agreement with them is
20 initially most complaints are handled by the
21 city within the City of Chicago.

22 And then if they think it's a

1 permit violation, they alert us.

2 MS. STANFIELD: Okay.

3 MS. GODIKSEN: Can you introduce
4 yourself.

5 MR. ADESANYA: My name is Emmanuel
6 Adesanya. Emmanuel is, E-M-M-A-N-U-E-L. And
7 Adesanya is, A, as in apple, D, as in Dolton,
8 E-S-A-N-Y-A.

9 I'm in the permitting and
10 enforcement with the City of Chicago,
11 Department of Environment. In addition to the
12 answer given to your question on the
13 inspections, the Department of Environment
14 inspects the facilities at least once every
15 year to renew its activity of operation.

16 Apart from that, we also respond
17 to complaints from the citizens, from I-EPA or
18 USEPA or any other government type agencies.

19 So the City of Chicago,
20 Department of Environment inspects these plants
21 almost every time. And I'm here to represent
22 the department. I have with me cards that I

1 will leave on the table. You can pick this
2 card. The complaint line is here.

3 If you have any complaint on
4 this facility, you can either call this
5 complaint line, or if you forget this, you can
6 call 311. And we will respond immediately.

7 MS. GODIKSEN: Okay. Just one more
8 reminder to please put your phones on vibrate.

9 Our next speaker is Scott
10 Jacobsen; is that correct?

11 MR. JACOBSON: It's --

12 MS. GODIKSEN: Will you spell your
13 last name.

14 MR. JACOBSON: J-A-C-O-B-S-O-N.

15 And I understand that it seems
16 like it's not a permit issue that they are in
17 compliance.

18 Regarding the nuisance, at what
19 point is there a threshold that so many
20 complaints take place that it actually will
21 affect the permit?

22 MR. BAKOWSKI: That's -- that's kind

1 of a difficult legal question.

2 Actually, to go to the point of
3 doing violations, it's usually -- a lot of
4 times it's triggered on a specific event. If
5 you have a lot of consistent complaints about a
6 specific activity, and then we can go and check
7 the records and find out that they turned off
8 their RTO. Not that these guys have, but
9 companies -- you know, it broke, and they kept
10 running without shutting down operations. So
11 that kind of thing can happen.

12 If it's a chronic problem, we
13 actually have a program where we solicit
14 citizens in the area to do what's called odor
15 logs, and they actually track down intensity of
16 odors, wind directions and that, and then you
17 kind of have to build a case of the surrounding
18 community that they're causing a problem in the
19 community.

20 And the frequency and
21 consistency of those kind of activities kind of
22 lead to that, and that's kind of how it's done.

1 There's no black and white across the line kind
2 of thing. It's a lot of judgment. And we
3 have, like, enforcement decision groups and
4 compliance decision groups that look at
5 situations and start recommending that, you
6 know, these guys are --

7 MR. JACOBSON: Yeah, at what point do
8 they not become a good neighbor even if they're
9 in compliance all together with their
10 emissions, with them controlling what is coming
11 out of the stack or scrubbers? If they have
12 done everything to comply legally, but it's
13 still such a nuisance to the neighborhood due
14 to the smell --

15 MR. BAKOWSKI: Like I said, by
16 organizing a significant amount of people --
17 and I can't give you a number. You know, it
18 could be ten, it could be 20 of people who
19 regularly track odors on a daily basis with a
20 sheet of paper, and then they say at this time
21 of day it -- because it blows around.

22 So when it's going in their

1 specific direction, and then all the -- you
2 know, the weather reports verify that that's
3 what was going on --

4 MR. JACOBSON: And it has to be
5 recorded that it definitely is them due to the
6 direction of the wind, it's our responsibility
7 to record that all and to present that in a
8 legal case?

9 MR. BAKOWSKI: To say that you're
10 being interfered with because of the odor, we
11 have to -- we have to be able to document that
12 you were interfered with. So you have to
13 record that for us. I mean, that's -- you
14 know, us coming out there one day, if the wind
15 changed, we can't show a thing. And there are
16 other sources in the area that --

17 MR. JACOBSON: Yeah. The other
18 sources -- anybody who has dealt with Griffith
19 for a period of time, that usually comes up as
20 investigating other sources, but there's four
21 streets that go around Griffith Laboratories.

22 During any point when you smell

1 it, all you have to do is go around the
2 facility to know, and to determine that it
3 is -- the odor is coming from them. It's not
4 that difficult to determine.

5 MR. BAKOWSKI: Well, like I said --

6 MR. JACOBSON: But previous to
7 this -- before they had made improvements, but
8 previous to this, myself and some other people
9 we were able to get -- in a matter of a couple
10 of days, 500 signatures on a petition.

11 And, I guess, that that actually
12 doesn't do it. You have to record it, and
13 determine -- we have -- basically what you're
14 saying is we have to build a legal case against
15 Griffith that you --

16 MR. BAKOWSKI: You have to help us
17 build a legal case.

18 MR. JACOBSON: And if --

19 THE COURT REPORTER: Wait, you have
20 to speak one at a time.

21 MR. BAKOWSKI: Actually, if it got to
22 the level where we actually had to go to

1 enforcement in front of a judge or the
2 Pollution Control Board, we've had instances
3 where the citizens had to come in and testify
4 under oath to certify that was going on.

5 Now, my understanding with --
6 the city has some local enforcement powers that
7 are beyond ours where they can actually write
8 tickets quicker because we have to go to court.
9 We either have to go to the state attorney's
10 office or the attorney general's office with a
11 full referral.

12 The city, I believe, has a
13 quicker mechanism more like writing a ticket.
14 So making sure we have complaints, and that
15 they have complaints is the way to go. I mean,
16 the history of this place since they put on the
17 RTO in 2004, is we haven't hardly had any
18 complaints at our agency or through the city at
19 this point.

20 So complaining to this number,
21 getting that on record, will help the city do
22 their enforcement. And they've got a quicker

1 enforcement ticket type operation that they
2 can --

3 MR. JACOBSON: Okay. And just one
4 quick comment is one of the things that there
5 are times that on off days, during the night,
6 on Sundays where Griffith said they're not
7 actually operating, but during the summer with
8 a quick bike ride around the facility and with
9 an emission that system that does not seem to
10 be operating, yet the source of the smell late
11 at night, on Sundays, during times where it's
12 difficult to seem to hold them accountable,
13 they say they're not running their idle mode,
14 but yet there is a smell that comes from the
15 facility. And I'm not sure if they're
16 interested in how to control that so that is
17 not a nuisance to the neighborhood.

18 And one other thing, too, is the
19 City of Chicago -- you used to be responding,
20 but a lot of times now you don't answer your
21 phone. You have to leave a message at what is
22 it? The 376 number? Yeah. So I don't know if

1 that's changed, but --

2 MR. ADESANYA: Okay. During the
3 weekend, if you call this number during the
4 weekend or off duty timing when we are not
5 operating, it will go directly to the radio
6 room. And they will load it down, and then
7 we'll attend to that the next day.

8 If you call 311 -- the next
9 working day -- if you call 311, it will be
10 locked down, and we'll attend to that the next
11 working day. And we must respond within three
12 days.

13 MR. JACOBSON: Okay.

14 MR. ADESANYA: Let me ask something.

15 Facilities like this plant odor
16 is very, very subjective. They may not be
17 operating. I suppose they will be under the --
18 but sometimes maybe somebody will open the door
19 is going out and then doing some unloading,
20 they maybe not really -- process operation, and
21 maybe some little odors coming out that you may
22 smell. Some smell may depend on the wind

1 direction.

2 Take that to somewhere else, but
3 when they are operating, I search that the
4 controlled devices will operate at the same
5 time, all things being equal.

6 MR. JACOBSON: Okay. I appreciate
7 that. But I think that the reason that there
8 is a turnout here is a lot of people in this
9 audience have still smelled an odor. This
10 isn't about the permit. It's about smelling an
11 odor, worrying about what you're breathing in
12 and controlling that to be -- you know, somehow
13 be a good neighbor.

14 Or actually maybe you don't
15 belong in proximity to a neighborhood, you
16 know, with that type of facility in it.

17 Thank you.

18 MR. BAKOWSKI: I -- I think I
19 understand what you're saying. And like I
20 said, at this point in time -- recently we
21 haven't had as many complaints. That's why
22 we're holding this hearing. We got all the

1 letters. We were kind of surprised by it.

2 And I think the gentleman from
3 the company offered to take the calls. I don't
4 know how responsive they are, but specifically
5 in this idle mode at night thing, if you call
6 them maybe that you can talk to them. I don't
7 know how cooperative they have been with you.
8 And in the past when we suspect that people may
9 think that they can do things at night or on
10 weekends and that, we have sent out inspectors
11 at various times of days and nights and things
12 like that.

13 It's got to have some pretty
14 strong evidence, but we do do that as well.

15 MS. GODIKSEN: Our next speaker is
16 Jim Kozy. Did I say that correctly?

17 MR. KOZY: Yes.

18 MS. GODIKSEN: State your name and
19 spell your last name.

20 MR. KOZY: It's Jim Kozy, K-O-Z-Y.

21 A couple of things real quick.

22 Kal had mentioned -- I know Kal

1 real well because we talk quite a bit on the
2 phone.

3 He mentioned about the less
4 calls. Well, ever since the -- I think, six
5 years ago after the last time we were in this
6 room with Mr. Salis and the gentleman here
7 (indicating), I think there was some kind of
8 deal made maybe with the city that they did not
9 have to turn over the calls to the alderman's
10 office.

11 So I think a lot of people just,
12 you know, didn't bother calling their hot line
13 anymore. Also the hot line is not in Spanish.
14 We have probably about an 80 percent Hispanic
15 population in the neighborhood.

16 MR. BAKOWSKI: The city hot line or
17 the company's hot line?

18 MR. KOZY: The company's hot line.

19 They used to turn it over --
20 turn over how many calls they used to get to
21 the alderman's office. And I believe that I'm
22 correct that that -- they no longer needed to

1 do that after the last agreement. Maybe I'm
2 not -- maybe I'm wrong on that, but I don't
3 think so.

4 MR. BAKOWSKI: I don't know if that
5 was an agreement they had with us or with USEPA
6 or it's just locally with the alderman. I'm
7 not familiar with that agreement.

8 MR. SALIS: I'm not either.

9 MR. KOZY: Okay. The other thing,
10 with the city calling, you know, sometimes you
11 get streets and sans when you call.

12 Well, the guy who works at
13 streets and sans is a streets and san's guy.
14 There's no way that he kind of takes that, you
15 know -- I have to ask them, can you take a name
16 down, you know.

17 And then calling 311, I mean,
18 we've called -- right now, and they have no
19 idea. So either you need to have better
20 training with the 311 operators on how to take
21 a call for an odor because right away they
22 think it's an emergency. And sometimes the

1 fire department has come out. They've called
2 the fire department out. So the 311 is really
3 a waste. There's no way that's going to come
4 through.

5 So the -- like Scott said, you
6 mentioned the word nuisance, and it's much more
7 than nuisance. You know, every time people
8 call to report this odor, they ask what the
9 odor is like. And that's a really hard thing
10 to describe. And I hate to say, the worse -- I
11 think, Mr. Salis, you've smelled the odor,
12 haven't you, a while back?

13 MR. SALIS: Well, awhile back.
14 Recently, we smelled the odor, a very close
15 facility, but very, very close. I really --
16 I'm a little braced to hear the effecting your
17 house, but think ...

18 Right. What I'm saying is I
19 have smelled the odor very close to the
20 facility.

21 MR. KOZY: Uh-huh.

22 MR. SALIS: We do -- we have driven

1 by this facility many times to try to determine
2 if we can detect odors. And we -- while for us
3 it has never been detectable more than a block
4 away. Usually less than that.

5 MR. KOZY: Okay. And I do admit, in
6 the last six years, the smell is better. It's
7 less frequent. A lot of times it's less
8 pungent. But, you know, for -- to go on record
9 here, you have to imagine, again, this smell
10 the way I would describe it is really a case of
11 BO or the worse if a kid wore -- a little kid
12 were socks for a week, that's what it smells
13 like.

14 So I've had people at a backyard
15 party actually get up and leave because they
16 are not used to -- well, they never grew up
17 with the stock yards or anything from the
18 suburbs, but they've actually left because of
19 the smell. What is that smell?

20 Imagine waking up in the spring
21 and the summer with your windows open. You
22 know, you're enjoying the fresh air. And you

1 wake-up and that stink is on you. It's in your
2 bedroom. So what happens then, we have to
3 close our windows. Turn the air on. A couple
4 of other things.

5 I've actually seen people who go
6 to school at -- first, it was the Choir Academy
7 and now Namaste. And I wish -- I don't think
8 anybody from Namaste is -- oh, there we are.
9 Namaste. Wonderful. Great.

10 I've actually seen kids walk to
11 school past my house with their mouth
12 covered -- covering their face because of the
13 stink. I think this is a little bit more than
14 a nuisance. Where you live, if you had to
15 smell similar coming in your bathroom, I think
16 you would be kind of upset.

17 I also question -- I know one
18 time in the -- about three or four years ago, I
19 have an apartment building. And so as I'm
20 showing the apartment to rent, what is that
21 stink? So, again, I'm fearful of my property
22 values, and how I can even rent an apartment.

1 Let's see. A couple of other
2 points here. And Scott mentioned about when
3 they're down, you know, they have another smoke
4 stack. They're very small smoke stacks, one or
5 two of them. And they're close to 37th Street.

6 And I've been there on 37th
7 Street, and it's billowing out of that smoke
8 stack. And it stinks real bad. Now, depending
9 on the wind direction because I know all the
10 talk is about the big smoke stack they have and
11 all the improvements they make, but there is
12 smoke that -- and the stink that comes out of
13 those really small smoke stacks. I'd like to
14 see if someone would address that issue.

15 Let's see. What else? I
16 mentioned about the complaints not going to the
17 aldermen, which he would like to be more
18 involved, and -- but, again, they used to send
19 the complaints over to the aldermen's office.

20 So -- and you mentioned about
21 the tickets. Did we have a -- like, a record
22 of how many actual tickets, you know, the

1 company has gotten?

2 MR. ADESANYA: What Ed is saying is
3 for the City of Chicago, if we come out -- if
4 you complain and we come out, if we can detect
5 the odor, strong odor evidence, we can give
6 tickets right there. 7280 --

7 MR. KOZY: But tell everybody what
8 the ticket is. How much do they pay?

9 MR. ADESANYA: That is not something
10 we can discuss. They have to pay regular fine
11 for every other --

12 MR. KOZY: Well, for example, is it a
13 hundred dollars, a thousand dollars or --

14 MR. ADESANYA: It's about a thousand
15 dollars.

16 MR. KOZY: Uh-huh.

17 MR. ADESANYA: Okay.

18 MR. KOZY: Will we have a record of
19 how many --

20 MR. ADESANYA: No, I don't have that.

21 MR. KOZY: Okay.

22 MR. ADESANYA: After the installation

1 of the RTO, the complaints went down.

2 MR. BAKOWSKI: What we can do is
3 we'll have a specific question in the responses
4 summary where you asked how many citations they
5 got from the city, and we'll check with them
6 and put that in the responsiveness summary.

7 MR. KOZY: Then you mentioned about,
8 you know, that you have inspectors come out,
9 but I called the Illinois one also. You know,
10 it goes down to Springfield. And then they're
11 going to send that copy back to Mr. Salis's
12 office in Des Plaines. I don't think there's
13 ever been an inspector that came out after a
14 call; correct?

15 MR. SALIS: What I was going to tell
16 you is that we have an agreement with the City
17 of Chicago. And frequently when we get
18 complaints, we simply refer to the city to
19 inspect.

20 Now, Jim, I'm going to tell you,
21 until tonight, I wasn't aware this problem was
22 happening. It was my firm belief that the

1 problems were resolved to begin with. And
2 whatever problems were occurring, were very
3 sporadic.

4 But, again, to answer your
5 question is that most likely those -- whatever
6 complaints we have, and there haven't been too
7 many. I think we've gotten two in the last two
8 years. That's all I can find.

9 MR. KOZY: I've called more than
10 that. Your Springfield office, I have called
11 more than that.

12 MR. SALIS: Well, I'm thinking of
13 complaints that were received directly by my
14 office. I'll be honest with you, that's where
15 I --

16 MR. KOZY: And, specifically,
17 sometimes I ask, will it go to Mr. Salis?

18 MR. SALIS: Well, the person you're
19 speaking to doesn't know Mr. Salis to begin
20 with. So I don't think that's helping you.

21 What I would recommend you do --
22 and I have business cards. You can call me

1 directly. That might work a little bit better
2 for you then because I think the system is not
3 working right now.

4 MR. KOZY: Well, you know, as a
5 community, we'll gear up again to publish --
6 you know, you only got all those letters at
7 Namaste because they actually saw it in our
8 church bulletin. And I put a notice in about
9 the smell in the neighborhood. And then
10 someone saw it from Namaste, and then --
11 because are right down the path, also.

12 So I think that's all I have my
13 comments. I would really -- as Scott alluded
14 to, I don't see how this plant can co-exist
15 with a residential neighborhood. When the wind
16 is blowing in a westerly direction -- and,
17 again, it's less and -- it's less often. And a
18 lot of times not as much.

19 The other point I would like to
20 make, though, is some days for two, three, four
21 days in a row, there is a stink so -- and then
22 maybe for a month there isn't. So I would like

1 to know or explain to me how that happens. So
2 I believe -- maybe I'm wrong, that there's
3 specific products that they make that they know
4 it's going to stink.

5 All right. In the past I've
6 actually -- I'm not sure about Kal. I've had
7 backyard parties a long time ago when his
8 predecessor was there. I called them up and
9 said, could you not run during that Saturday
10 night, and he did. He didn't run the plant.
11 Or he didn't run the products that he knew were
12 going to stink. So that's a hell of a way to
13 run a company.

14 All right. Thank you.

15 MS. GODIKSEN: All right. The next
16 speaker is Heide Kocur.

17 MS. KOCUR: Kocur.

18 MS. GODIKSEN: Spell your last name,
19 please.

20 MS. KOCUR: K-O-C-U-R. And I'll keep
21 it real short because the speakers preceding me
22 have pretty much said everything I wanted to

1 say. They were very well researched.

2 I -- I moved here a year ago
3 from the north side, and I live at 36th and
4 Hermitage.

5 And I would like to reiterate,
6 the smell is -- to call it a nuisance is
7 just -- it's almost insulting because it is so
8 foul. I have a two year old and I also on her
9 second birthday had guests leave a backyard
10 party because it's a scent that -- it's a
11 concerning scent. It's not, like, ooh, that's
12 a bad smell. It's a smell like there is
13 something wrong.

14 And I couldn't blame these other
15 parents because they had babies and toddlers.
16 And if I had the choice to leave, I probably
17 would have left, too.

18 I was just -- at one point,
19 like, in the beginning it was stated that it --
20 right now that they fall under a nuisance
21 provision, but they were still in compliance.

22 At one point -- at what point

1 does the -- do they fall over or out of that
2 nuisance provision? And how do we not know if
3 it's harmful?

4 MR. BAKOWSKI: Okay. Yeah. When
5 I -- I'll just say that we're kind of using the
6 word nuisance provision in our technical jargon
7 sense. It's, like, you have a specific
8 numerical limit. And if you're below that, but
9 you're still causing a problem, that falls in
10 the category of nuisance. Not that it's
11 trivial by any stretch, but that's what we call
12 it is a nuisance provision because it's not a
13 numerical limit provision.

14 Okay. So I'll apologize if that
15 seemed trivial. That's why we're here is
16 because we understand it's not trivial.

17 MS. KOCUR: Well, point taken. And I
18 thank you. And I -- hopefully, we can ban
19 together as neighbors and do what we need to
20 do, you know, to -- I personally would hate to
21 see anyone lose a job over something like this,
22 but certainly we can work together and make the

1 neighborhood a more livable neighborhood.

2 Thank you.

3 MS. GODIKSEN: All right. Our next
4 speaker is Dr. Roy Pletsch.

5 Please spell your last name.

6 DR. PLETSCHE: P, like in Peter,
7 L-E-T-S, like in Sam, C-H. I have to do that
8 on the phone all the time.

9 Jim has expressed a lot of
10 things we talked about, but we're talking about
11 life first. We lived here when the stockyard
12 was here. My first job was cleaning out the
13 back of those trucks so those guys could drive
14 back to Ohio, Iowa without the manure in the
15 back. So I know it smells.

16 And then we got rid of the
17 incinerator. Everyone always blamed the
18 incinerator for all the smell. Then Darling
19 and Company moved farther south. They used to
20 bring their pig parts up to 40th and Ashland.
21 Now, they're all the way at 47th and Racine.
22 The only thing left there that smells is

1 Griffith.

2 And, as a matter of fact, Jim is
3 talking about the smell of BO. Now, in the
4 neighborhood you ask them what's that smell?
5 They just say, Griffith. That's the only way
6 to describe it. Because it doesn't -- and
7 that's why a lot of people stopped making those
8 calls because they -- first of all, you get a
9 machine. And then it says, describe the odor.
10 How many times can you say, Griffith? You
11 know, what does that mean?

12 And they know the name of the
13 game. You guys do not send people out on
14 Sundays. You don't send them out, except 9:00
15 to 5:00. Unless maybe an alderman or someone
16 calls. But if we call, no one is going to be
17 out there, except 9:00 to 5:00, you can write
18 anything you want for 5:00 o'clock on a Friday,
19 to 9:00 o'clock on a Monday, ruin the
20 neighborhood and not be called.

21 You just won't. You will not
22 respond because none of those -- none of your

1 agencies are open at that time.

2 And I know from which I speak.

3 I've worked at a lot of factories before I went
4 and got my doctorate. I've worked in one that
5 we burned the garbage Saturday night because we
6 could put black smoke up on a Saturday night
7 and no one was going to yell at the company.

8 I won't say the name of the
9 company because they're a big taxpayer wouldn't
10 pay on the taxes because they could put up
11 black smoke on Saturday night because no one
12 was there to check it.

13 I'm not saying anything illegal
14 is going on there, but they know when it won't
15 occur. And, yes, the smell is a little bit
16 better, but maybe it's because we don't have
17 the incinerator anymore, we don't have the
18 stock yards, we don't have Darling anymore.
19 I'm not quite sure that it's just from these
20 individuals, but it is more than a nuisance.

21 If we have lived there 50, 60
22 years already, who knows. But if we could live

1 through the stock yards, I guess we could live
2 through this. But at least the stock yards
3 gave us jobs. I hear people say, well, the 51
4 jobs. I bet none of them are Chicagoans, but
5 that's something else.

6 All right. The other situation
7 over there is that when you -- it's a nice
8 shot. My sister lives in Bridgeport. It's a
9 nice shot down 37th Street. But as soon as you
10 get to Griffith Labs, there's rats running all
11 over because they love the smell. That means
12 dinner. I think it means dinner. I don't
13 know. To me, it still means Griffith, but
14 there's a couple of other guys here who pretty
15 much same the same thing. We quit calling that
16 number because it's a machine. It's them. And
17 they ask you what odor is. It makes no sense
18 to call. Its just a waste of time.

19 But if you want us to call, you
20 can get more calls than you could ever handle.

21 MR. KOZY: That's right.

22 MS. GODIKSEN: Our next speaker is

1 Carmen Marquez.

2 MS. MARQUEZ: Marquez.

3 MS. GODIKSEN: Marquez. Will you
4 spell your last name.

5 MS. MARQUEZ: M-A-R-Q-U-E-S.

6 All right. I think that there's
7 a problem going on here, is that you're dealing
8 with laypeople. Sorry. You're dealing with
9 laypeople. They just generally describe things
10 as an odor.

11 From a chemist's point of view.
12 I am a chemist. Master's degree in physical
13 chemistry. And it is not an odor. It is
14 particulate matter that is in the air. It is
15 an irritant.

16 And I am subjected to this at
17 various times, you know, throughout -- you
18 know, sometimes I come home at about
19 4:00 o'clock in the afternoon. And the
20 particulate matter in the air is coming from
21 the southeast. It goes right in through my
22 living room window, and I can smell it inside

1 my living room. And I have to close the
2 windows. It is an irritant. It is inflaming
3 my nostrils. It is irritating my lungs.

4 There are kids out there running
5 around, and I wonder about, you know, if
6 they're going to have an asthma attack, or
7 what's going to happen to them? It irritates
8 my skin. I can't even stay out in my backyard
9 because it will begin to irritate my skin. So
10 it's not an odor. It is an irritant,
11 particulate matter in the air that is being
12 released at various times.

13 And it's -- I agree with my
14 neighbors when they say that it is released at
15 odd times, like, on a Sunday night. Or at
16 4:00 o'clock in the afternoon on maybe a
17 Thursday or a Friday. Very odd times. It's
18 not a daily occurrence. It could be being
19 released, but it might be not coming into my
20 direction because the wind might be blowing it
21 out into the lake, but I know that it does come
22 into my house when it is a southeast wind.

1 So I think the public here in
2 the McKinley Park community has to be informed
3 as to what terminology to use first and
4 foremost, because it is not an odor. It's not
5 underarm odor. It's not sock odor. This is
6 particulate matter that could have -- we need
7 to -- they also need to be aware of material
8 safety data sheets that describe what
9 hydrochloric acid is, and what the implications
10 of breathing this type of material is. And
11 also the other substances that Griffith
12 Laboratories is producing.

13 I think that is information that
14 all the residents of this community need to be
15 well aware of because we're talking about a
16 health hazard here. We're not speaking about
17 odor. They don't know because they are
18 laypersons not trained in chemistry. That's
19 why they're using the word odor.

20 Thank you very much.

21 MS. GODIKSEN: Is there anyone else
22 who would like to speak tonight?

1 Do you have a comment card?
2 I'll take your card, and if you could spell
3 your last name.

4 MS. ZAVALA: Yuvanka, and that's,
5 Y-U-V, as in Veronica, A-N-K-A, last name,
6 Zavala, Z, as in zebra, A-V-A-L-A.

7 I have to thank everybody that
8 showed up today. I have lived in the area for
9 25 years. Born and raised here. I now bring
10 my children to the school, Namaste.

11 And it's funny how you grow up
12 with a smell, and you get used to it. In our
13 house the smell is, like, dead animals. Okay.
14 I thank Miss Marquez because there's a lot
15 of -- a lot of our neighbors here in this
16 neighborhood, unfortunately, they don't know.
17 They didn't go to school. You know, our
18 parents' parents. You know, our grandparents
19 do -- they work in the area. But it's right,
20 they don't know what they're breathing.

21 At Namaste our children learn
22 about health. Okay. So their number one --

1 their number one thing is to be healthy. Okay.
2 So to hear a chemist who lives in the area say
3 it's particulate matter and it's hazardous,
4 this has to be taken into account.

5 Unfortunately, yes, they know
6 how the system works, you know, and stuff is
7 burned on weekends when offices are closed, but
8 I think everyone here -- especially you up
9 there, need to realize that we are worried
10 about what we're breathing. We're worried
11 about our children who grow up. Especially our
12 kids in the neighborhood who go to -- have
13 recess outside. They have gym outside. They
14 run around. They're breathing this.

15 So thank you everybody who
16 showed up tonight. And who is able to tell
17 their story. We thank you also for coming into
18 our neighborhood.

19 MS. GODIKSEN: Is there anyone else
20 that would like to speak tonight?

21 MR. JACOBSON: I would like to make a
22 quick comment.

1 MS. GODIKSEN: Sure. Could you come
2 up to the mike.

3 MR. JACOBSON: Sure. Scott Jacobson.
4 J-A-C-B-O-S-O-N.

5 As far as the breathing of the
6 particulate and the hydrochloric acid. I live
7 about half a block away from Ashland Avenue.
8 So I'm probably just about the closest
9 person -- the closest house that lives up --
10 you know, probably Jim you're just about the
11 same distance away.

12 When the odor is very pungent,
13 it's not just a smell that irritates you. It's
14 a smell that burns your mucus membrane. I
15 haven't felt it on my skin, but you feel it in
16 your nose and your eyes. And my children, they
17 have lived here their whole life, and they
18 can't stay outside and play in it.

19 So there must -- there must be
20 something said that you just don't grow up and
21 get accustomed to it. You can't necessarily
22 just get accustomed to an irritant in your

1 throat and nose and eyes. And also my children
2 also have asthma. I have no way of saying
3 anything that -- proving that it's directly
4 related to it, but they all have breathing
5 problems.

6 The other -- one other thing is
7 diacetyl, isn't that also that butter flavor
8 that they have in some of their food products?
9 If you look, I think you would find that's in
10 there. Diacetyl is -- I don't know if anyone
11 remembers about the popcorn butter flavor in
12 the popcorn, and how people working in plants
13 that produce that had serious lung problems.

14 They say it's a minimal amount
15 that they put into their food additives, but if
16 you've ever smelled that kind of buttery smell
17 along with the disgusting sock, dead animal
18 smell, that is also something that actually
19 there is a concern that that does affect your
20 health and your respiratory system.

21 And hydrochloric acid, I don't
22 know any other facility -- and I don't know if

1 you can name one that is across the street from
2 a residential neighborhood that produces an
3 emission like that within the city. Is there
4 another one within the city limits, something
5 that is so close to a residential neighborhood
6 that has had these nuisance calls for this
7 period of time, that puts hydrochloric acid in
8 the air. And it is across the street from a
9 residential neighborhood. If that's
10 compliance, maybe the laws of compliance need
11 to be changed in proximity. Because it just --
12 all these people, it just doesn't seem right.
13 If it is needed -- and I'm sure I would like to
14 meet with everyone here who is interested, if
15 you'd be waiting at the back door over there,
16 that we should get together and do something
17 about this.

18 Emilio, I've also called you
19 directly. Everyone here -- the reason you're
20 not getting calls is because it does not appear
21 that the calls actually do anything or go
22 anywhere because it's our responsibility, from

1 what I understand, to build a court case. And
2 because it's a nuisance, which is a difficult
3 thing to prosecute.

4 And the other thing is they are
5 under compliance with the laws in the books
6 right now. Your -- your knowledge of this is
7 you thought that everything was okay. Jim has
8 called you a few times. You thought that the
9 smell was half a block away from the plant.
10 These are people that are here after that
11 system has been put in.

12 You need to actually research
13 this a little bit better and maybe all of you
14 do. There is a reason that we're spending
15 this -- our time right now to do this. We are
16 not hypersensitive people. We are not a small
17 amount of people that are the squeaky wheel. I
18 could not get 500 signatures in a couple of
19 days, if that was the case.

20 That's it. Thanks.

21 MS. GODIKSEN: Our next speaker is
22 Marco Arroyo.

1 Please spell your last name.

2 MR. ARROYO: It's spelled,

3 A-R-R-O-Y-O, Marco.

4 I just want to reiterate that
5 there may be a disconnect between the EPA and
6 the neighbors. And I would like to possibly
7 get some feedback on how we can voice our
8 concerns so that -- Emilio, is that your name
9 and the city, is there a system set in place
10 where we can -- a number we can call?

11 I know you guys don't like
12 numbers, but that's the one -- so you would
13 like us to call that one city number every time
14 all of our people smell something because Jim
15 and I will be happy to distribute that number
16 throughout the neighborhood. And you will get
17 lots and lots and lots of calls. Is that what
18 we should do?

19 I mean, I want you guys -- I'm
20 not yelling at you guys. I know you're here to
21 help us. But we want you to know when we
22 smell -- when we feel that. As far as we're

1 concerned today, you weren't aware of the
2 situation. And that's fine, but we want to
3 make you aware to help us make you aware, what
4 should we do?

5 MR. BAKOWSKI: Yeah, I think
6 initially you need to get some cards up here
7 from Emmanuel, and I don't know, Emilio, do you
8 want to talk about how to go about getting the
9 odor log set up? Do you want them to just
10 contact you and work with you on setting that
11 up? I kind of described it already.

12 MR. SALIS: Okay. Let me just say a
13 couple of things.

14 Okay. Starting with a log. We
15 can do the -- there would be several forms that
16 you would have to fill out for us. You would
17 have to give us dates, times --

18 MR. ARROYO: I'm sorry. You said,
19 dates?

20 MR. SALIS: Well, essentially it
21 would be a form that you would fill out for us
22 describing the odors and the locations where

1 you smelled it. I will be happy to give it to
2 any individuals that is interested in the log,
3 if that's what you want to do and you're
4 willing to do that.

5 MR. ARROYO: Let's say we give you
6 five years worth of data of logs, will that
7 change anything? How much will five years of
8 odor logs have the next time these guys are out
9 for their FESOP or whatever you called it?

10 MR. SALIS: You know, that's a
11 question for the City of Chicago, the Illinois
12 EPA has the responsibility for this company,
13 but as to what the agency can do, I don't know.

14 MR. BAKOWSKI: The building of the
15 case for odor -- odor 9A violations, that's the
16 interference with the life and property, that's
17 independent of the permit. That's the
18 enforcement case. That's what happened back in
19 2004. Okay. Based on the significance of the
20 odors, the inspections back then, they put in
21 the RTO and all that.

22 So it's not a matter of five

1 years of odor logs. It's a matter of
2 consistent data showing that whenever the winds
3 are in that direction, people are being
4 impacted. Okay. And then that's an
5 enforcement action where either the city or us
6 or even USEPA could go in and start talking to
7 the -- either state's attorney or attorney
8 general or the U.S. Attorney, and then file
9 another case to make them do some additional
10 controls.

11 Okay. But that's got -- the
12 public notice of the permit having the hearing
13 here is just a sequential thing that's going to
14 happen every five years. But the odor log
15 thing is a compliance issue that we have to
16 address, based on a more quick and local
17 collection of data, so to speak.

18 MR. ARROYO: And you wouldn't happen
19 to have numbers on that, would you, how many
20 people -- and I think this is what the other
21 gentleman was trying to say, is how many people
22 do we have to show that -- whose lives are

1 impacted before somebody --

2 MR. BAKOWSKI: I tried to explain it
3 the best I could before. It's not a black and
4 white -- it's not really a black and white
5 number. It's a consistency thing. You know,
6 looking at -- we've had odor log situations
7 where people just said it smelled every day.
8 And then you go to the Weather Service, and
9 they're telling us the wind is from the north,
10 and all day it was from the south, you know. I
11 mean, it has to be credible, you know,
12 information.

13 So you don't need, like, a
14 hundred people doing it. We just need a good,
15 select crew that will do it actively and
16 accurately.

17 MS. GODIKSEN: Is there anybody else
18 who would like to speak tonight?

19 (No response.)

20 No.

21 MR. KOZY: Can I ask a question?

22 MS. GODIKSEN: Sure. Can you step to

1 the mike, and please restate your name for our
2 court reporter.

3 MR. KOZY: Hi. It's Jim Kozy,
4 K-O-Z-Y.

5 I'm not sure you quite answered
6 Marco's question. So, specifically, if we wake
7 up tomorrow and there's a smell, what do you
8 want us to do? Call that number?

9 MR. BAKOWSKI: Start calling that
10 number or --

11 MR. KOZY: And that's the city. Is
12 that 24 hours?

13 MR. ADESANYA: Let me explain.

14 When you call this number -- if
15 you call this number when we're not working --
16 let's say, if you call this number in the
17 evening time maybe, like, 8:00 o'clock,
18 9:00 o'clock, we have evening inspectors
19 working.

20 MR. KOZY: Okay. Some of these
21 calls -- this number doesn't go to streets and
22 sans sometimes?

1 MR. ADESANYA: If you call this
2 number on weekends, Saturday or Sunday, it's
3 connected to radio men.

4 MR. KOZY: Yes, exactly.

5 MR. ADESANYA: All you do is -- you
6 have to be specific on your complaints. If you
7 call them and you tell them that you smell an
8 odor, now if you tell them that this is a
9 chemical company or this is a facility or this
10 is an environmental issue, they will directly
11 call to the permit environment.

12 If somebody called and say they
13 are not understanding and they have directed
14 them to another department. So be as specific
15 in your complaint. Just tell them there is an
16 odor, or, like, she's saying, particulate
17 matters or something.

18 AUDIENCE MEMBER: Chemical odor.

19 MR. ADESANYA: Then they know it is
20 environment. They will miss that, and they
21 will direct your call to us, and we'll respond.
22 I promise you.

1 MR. KOZY: Well, again, the people
2 taking this call, is there any Spanish speaking
3 people?

4 MR. ADESANYA: That, I don't know.
5 That, I do not know.

6 MR. KOZY: So the --

7 MR. ADESANYA: Now, that I have to be
8 honest with you, that, I don't know. If there
9 is Hispanic people, I have never called them
10 and asked them that.

11 So you will call and ask them.
12 They will tell you. If they have -- I think,
13 they should have people there with the Hispanic
14 language, but I can't tell you right now.

15 MR. KOZY: Okay. And, again, I
16 mentioned earlier, you're going to need to do
17 some training with your -- with those people,
18 especially the streets and sans. And we all
19 mention about the weekends. Weekends are a
20 problem. And those streets and sans people do
21 not want to take -- do not want to deal with
22 it. They don't even know what we're talking

1 about. So should we specifically say transfer
2 us to --

3 MR. ADESANYA: Okay. I have worked
4 in the city on weekends as the weekend duty
5 engineer.

6 One of the works that we do at
7 the department, we work with the fire
8 department 511, 512 on weekends and the public
9 holidays.

10 Now, I have received calls from
11 the radio men that we are talking about. If
12 you are specific, they will direct your call to
13 the duty engineer from the environment. They
14 will direct your call to us.

15 MR. KOZY: And there is someone there
16 24 hours a day --

17 MR. ADESANYA: Yes.

18 MR. KOZY: -- seven days a week?

19 MR. ADESANYA: Public holidays,
20 Sundays, Saturdays, we have one person at
21 least. We have two people. We have the
22 supervisor. We have the weekend duty engineer

1 taking calls, responding to emergencies.

2 So it depends on how specific
3 you are with these people. So you have to not
4 only -- I don't train the 311 people or the
5 streets and sanitation. That's another issue,
6 but at the community here when you call there,
7 be specific. Tell them, like she said, maybe
8 chemical odor or odor with so and so plant.
9 The facility -- but they hear that. Then they
10 direct your call to the environmental. You
11 have to be specific.

12 MR. KOZY: Okay. All right.

13 You know, you're saying, you are
14 kind of leaving it up to the city to take the
15 calls, though, you came to this meeting without
16 knowing how many calls they've gotten.

17 MR. BAKOWSKI: We checked with
18 Emilio, we checked with the city. Over the
19 past -- since the RTO was put in, in 2004,
20 there has been, like, less than ten recorded
21 complaints. If they're not getting to us, I'm
22 sorry, but that's -- that's what our records

1 told us.

2 MR. ADESANYA: See, I think before I
3 left the office this evening to represent the
4 department, I was talking to my manager. And
5 he said the same thing. After the RTO was
6 installed, there was traumatic and significant
7 drop in complaints.

8 MR. KOZY: Yes.

9 MR. ADESANYA: Technically, if you
10 are in my shoes, you would be happy that the
11 controlled --

12 MR. KOZY: I've called many more
13 times than that in the past number of years.

14 MR. BAKOWSKI: To the city or to us?

15 MR. KOZY: The city employed them,
16 and then other people have called; haven't
17 they?

18 MR. ADESANYA: And if you --

19 MR. KOZY: So wait a second. So if
20 we're talking about -- if your system is not
21 working, something is wrong.

22 MR. ADESANYA: Here's what I'm

1 seeing. Compared to your calling in the past,
2 to the call that we have -- right now with me,
3 offhand, I don't know how many calls.

4 MR. KOZY: But he's saying ten calls
5 over the last six years, four years?

6 MR. ADESANYA: If I have your number,
7 I can call you tomorrow, and tell you the
8 numbers. I can go to the office --

9 MR. KOZY: I should have came with my
10 cell phone records.

11 MS. GODIKSEN: I'd like to remind
12 everybody that we're not here for a contested
13 hearing --

14 MR. KOZY: Okay. I'm sorry.

15 MS. GODIKSEN: -- and arguing.

16 MR. BAKOWSKI: Okay. The comment
17 period for the hearing is going to be --

18 MS. GODIKSEN: December 18th,
19 midnight.

20 MR. BAKOWSKI: So you can submit
21 anything you want in writing. If you want to
22 submit copies of your cell phone records of

1 that, that will be very useful.

2 MR. KOZY: But I have not heard of
3 that -- of you trying to correct this system.
4 Because, obviously, you're not getting our
5 calls. Obviously.

6 MR. BAKOWSKI: Well, I think he's --
7 I'm sure he's going to go back, and the people
8 who are in charge of our agreement for -- the
9 guy who took my old spot is going to get in
10 touch with him and talk to him and see if there
11 is something broken.

12 MR. KOZY: We've kind of tried to do
13 this community organizing. We have not really
14 ever gone -- I mean, we could -- tomorrow we
15 could all call Alderman Belzer (phonetically).
16 We can call Commissioner Daley. We can call
17 State Senator Munoz. We can call State
18 Representative Acevedo. We can call Lipinski.
19 We'll call all of them. And we'll get all our
20 seniors to call.

21 We can mobilize really, really
22 good. So...

1 MR. ADESANYA: This is what I'm
2 saying, all of your calls -- if you call the
3 Department of Environment. This is where I
4 worked over ten years now. If you call the
5 Department of Environment, call this number
6 (indicating), the assistant will take it.
7 Somebody will call. And we cannot close the
8 complaint until we carry out the inspection.

9 So I can tell you how many
10 numbers or how many calls or complaints we have
11 right now offhand, but I'm telling you
12 everything is in the record. If I have your
13 number, I can possibly call you tomorrow and
14 tell you the number.

15 MR. KOZY: Okay. Good. But your
16 number -- the state number also -- I've called
17 many times the state number and this is --

18 MR. BAKOWSKI: When you say, "state,"
19 what state number are you calling? There is a
20 lot of state numbers. Is it the 800 number at
21 night?

22 MR. KOZY: Yes, I believe so.

1 MR. BAKOWSKI: The Illinois Emergency
2 Management Agency?

3 MR. KOZY: Yes. I've even called the
4 United States one, too.

5 MR. BAKOWSKI: They did the Chicago
6 chocolate odor thing.

7 MR. KOZY: All three numbers
8 sometimes, I call.

9 MR. BAKOWSKI: Yeah. Well, the IEMA
10 number on weekends is the Illinois Emergency
11 Management Agency. And that number is used to
12 report spills and complaints.

13 Now, if it's a spill and you
14 need a responder out there, they act, and
15 they'll call a nonduty officer with IEPA.

16 If it's a complaint thing like
17 you're talking about, you're right. They
18 should record that, and then send it over to
19 Emilio. And they won't get it until they're
20 back in the office Monday because they judge
21 whether it's an imminent threat.

22 We had a place in McCook and

1 Lemont border that that happened a lot. They
2 used to go out to the bowling alley. And
3 they'd call from the bowling alley and tell us
4 that it stunk again on Saturday night, you
5 know. And we'd get those complaints in the
6 morning.

7 So, you know, the Illinois
8 number on weekends and that, that's IEMA.
9 That's Emergency Management. And they're
10 looking for people calling up, and saying they
11 just saw a tanker truck spilled over on the
12 highway, get somebody out there kind of thing.

13 So if it's an odor complaint,
14 they're supposed to write it down and forward
15 it to us.

16 MR. KOZY: Well, that's not happened
17 either. So check with --

18 MR. BAKOWSKI: I don't know why
19 that's not happening. They're usually pretty
20 good at that.

21 MS. GODIKSEN: Is there anyone else
22 who would like to speak tonight before we close

1 the hearing?

2 MR. SALIS: If you want a complaint
3 log from me, I'm going to need -- what I need
4 is the name, address and phone numbers. Is
5 this something I'm going to handle myself?

6 MR. BAKOWSKI: I don't know. You
7 talk it over with --

8 MR. SALIS: Okay. Well, most likely
9 what I'd like to do then is to get myself the
10 name, address and phone numbers of anybody that
11 would want to create a log. And I'll leave a
12 sheet here. You can fill it out. We will
13 start with that.

14 MS. GODIKSEN: Okay. Anybody else?

15 (No response.)

16 No. Okay. Seeing there are no
17 further comments, I would simply like to note
18 that we will be making certain documents --
19 marking them as exhibits. And those will
20 become part of the official record.

21 The notice of public hearing
22 will be marked as Exhibit 1.

1 A copy of the draft permit will
2 be marked as Exhibit 2.

3 And we will have the City of
4 Chicago complaint line card marked as
5 Exhibit 3.

6 And the field office card marked
7 as Exhibit 4.

8 Seeing that there are no more
9 members of the public with questions or
10 comments, we will bring the hearing to a close.

11 I would like to remind everyone
12 that the comment period for the record on this
13 matter closes December 18th of this year. So
14 your written comments must be postmarked by
15 midnight of December 18th to be accepted as
16 part of the record. Copy of the exhibits are
17 available upon request.

18 I would like to remind you to
19 pick up contact information, if you're
20 interested, from the City of Chicago or the
21 IPEA field office.

22 The time is now approximately

1 7:30 -- I'm sorry. It's 7:40. I would like to
2 thank you for coming out tonight. And I would
3 like to thank our youngest citizens for being
4 so well behaved this evening.

5 Thank you.

6 AUDIENCE MEMBER: Thank you.

7 (Which were all the
8 proceedings had in the
9 above-entitled matter.)

C E R T I F I C A T E

I, Gay Dall, CSR and RPR, a competent and
duly qualified court reporter, and being first
duly authorized to administer said oath, do
hereby certify that I did report in machine
shorthand the foregoing proceedings and that my
shorthand notes so taken at said time and place
were thereafter reduced to typewriting under my
personal direction;

I further certify that the foregoing
typewritten transcript constitutes a complete
record of the said proceeding taken at the said
time and place so ordered to be transcribed.

Dated this 9th day of December, 2008.

Gay Dall, CSR & RPR